

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

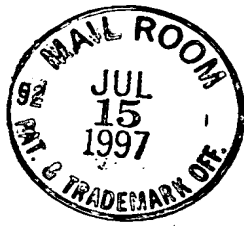
In re application of:

Mesens *et al.*

Appl. No.: 08/808,261

Filed: February 28, 1997

For: **Microencapsulated 3-Piperidinyl-  
Substituted 1,2-Benzisoxazoles  
1,2-Benzisothiazoles**



AUG 7 1997

Art Unit: 1205

Examiner: To be assigned

Atty. Docket: 1611.0510002

**Request for Corrected Official Filing Receipt**

Assistant Commissioner for Patents

Washington, D.C. 20231

**Attn: Application Processing Division  
Customer Correction Branch**

Sir:

Applicants hereby request that a corrected Official Filing Receipt be issued and sent to the undersigned representative. Specifically, the following correction to the Official Filing Receipt is requested:

**In the list of Applicants, please add --Thomas J. Atkins, Cincinnati, OH--.**

In support of the above request, a photocopy of the instant Official Filing Receipt is enclosed with the corrections noted in red. Also enclosed is a copy of the Request for filing a Patent Application Under 37 C.F.R. § 1.60, filed on February 28, 1997, which includes Thomas J. Atkins in the list of inventors (see item 6). Also enclosed is a copy of the Combined Declaration and Power of Attorney for Patent Application for parent application 08/154,403 which also includes Thomas J. Atkins as an inventor. A copy of the enclosed declaration was filed on February 28, 1997 and on May 30, 1997. It is therefore believed proper that a corrected Official Filing Receipt be issued, reflecting the correction of the above-noted error. It is further requested that the corrected Official Filing Receipt be sent to the undersigned at the earliest possible time.

Respectfully submitted,

**STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**

Andrea G. Reister

Attorney for Applicants

Registration No. 36,253

Date: July 15, 1997

1100 New York Avenue, N.W.

Suite 600

Washington, D.C. 20005-3934

(202) 371-2600

PAUSERS\AREISTER\1611\0510002.OFR

AGR:daw

FILING RECEIPT

**COPY**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/808,261	02/28/97	1205	\$770.00	1611.0510002	5	3	2

STERNE KESSLER GOLDSTEIN & FOX  
1100 NEW YORK AVENUE N W SUITE 600  
WASHINGTON DC 20005-3934

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

JEAN MESENS, WECHELDERZANDE, BELGIUM; MICHAEL E. RICKEY,  
LOVELAND, OH; THOMAS J. ATKINS, CINCINNATI, OH.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CON OF 08/154,403 11/19/93

FOREIGN FILING LICENSE GRANTED 06/16/97

TITLE

MICROENCAPSULATED 3-PIPERIDINYL-SUBSTITUTED 1.2-BENZISOXAZOLES  
1.2.- BENZISOTHIAZOLES

PRELIMINARY CLASS: 514

**RECEIVED**  
JUN 20 1997

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

pp AKR 6/23/97  
6/23/97

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934

**COPY**

(202) 371-2600

**REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. § 1.60**

Docket Number	Anticipated Classification of this Application		Prior Application	
	Class:	Subclass:	Examiner: J. Peabody	Art Unit: 1201
1611.0510002				

Address to:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.60 of pending prior application no. 08/154,403, filed on November 19, 1993 entitled Microencapsulated 3-Piperidynyl-Substituted 1,2-Benzisoxazoles and 1,2-Benzisothiazoles.

1. ☒ Enclosed is a copy of the latest inventor-signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the papers are a true copy of the latest signed prior application number 08/154,403, and further that all statements made herein of my own knowledge are true; and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

Claims	(1) For	(2) Number Filed	(3) Number Extra	(4) Rate	(5) Calculations
	Total Claims*	3 - 20 =	0	x \$ 22 =	\$0.00
	Independent Claims*	2 - 3 =	0	x \$ 80 =	\$0.00
	Multiple Dependent Claim(s)* (if applicable)			+ \$ 260	\$0.00
				Basic Fee	\$ 770.00
				Total of above calculations =	\$ 770.00
	Reduction by 1/2 for filing as small entity (Note 37 C.F.R. §§ 1.9, 1.27 and 1.28).				
				GRAND TOTAL =	\$ 770.00

\*The filing fee is calculated on the basis of the claims existing in the prior application as amended at 5. and 11.

2. A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27:  
☐ is enclosed.  
☐ was filed in prior application number \_\_\_\_\_ and such status is still proper and desired (37 C.F.R. § 1.28(a)).
3. ☒ The U.S. Patent and Trademark Office is hereby authorized to charge any fees that may be required under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment, to Deposit Account No. 19-0036. A duplicate copy of this sheet is enclosed.
4. ☒ A check in the amount of \$ 900.00 is enclosed to cover (\$770.00) basic filing fee and (\$130.00) petition fee;

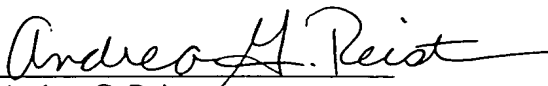
(REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. § 1.60, PAGE 2)

5. ☒ Cancel in this application original claims 2-27 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. ☒ The inventors of the invention being claimed in this application are: Jean Mesens, Michael E. Rickey, and Thomas J. Atkins.
7. ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.60(b), the Assistant Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:
8. ☒ Amend the specification by inserting before the first line the sentence:
- This application is a ☒ continuation ☐ division of application no. 08/154,403, filed November 19, 1993, (status: pending).
9. ☐ New formal drawings are enclosed.
10. ☐ Priority of foreign application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119(a)-(d).  
☐ The certified copy has been filed in prior application number \_\_\_\_\_, filed \_\_\_\_\_.
11. ☒ A preliminary amendment is enclosed.
12. ☒ The prior application is assigned of record to Alkermes Controlled Therapeutics, Inc. II and Janssen Pharmaceutica.
13. ☒ Also enclosed: (1) Request for Interference Under 37 C.F.R. § 1.604; (2) Petition to Make Special Under 37 C.F.R. § 1.102(d) and Incorporated Information Disclosure Statement; (3) Form PTO-1449; and (4) 26 cited documents.
14. ☒ The power of attorney in the prior application is to Robert Greene Sterne, Edward J. Kessler, Jorge A. Goldstein, Samuel L. Fox, David K. S. Cornwell, Robert W. Esmond, Tracy-Gene G. Durkin, and Michele A. Cimbala, all of Sterne, Kessler, Goldstein & Fox (now Sterne, Kessler, Goldstein & Fox P.L.L.C.).
- a. ☒ The power of attorney appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

Address all future correspondence to: (May only be completed by applicant, attorney or agent of record.)

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W., Suite 600  
Washington, D.C. 20005-3934

February 28, 1997  
Date

  
Andrea G. Reister  
Registration No. 36,253

- ☐ inventor
- ☐ assignee of complete interest. Certification under 37 CFR § 3.73(b) is enclosed.
- ☐ attorney or agent of record
- ☒ filed under 37 C.F.R. § 1.34(a)

PAUSERS\AREISTER\1611\0510002.R60

**COPY**

**Declaration and Power of Attorney for Patent Application**  
**English Language Declaration**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

MICROENCAPSULATED 3-PIPERIDINYL-SUBSTITUTED 1,2-BENZISOXAZOLES AND 1,2-BENZISOTHIAZOLES

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on November 19, 1993

Serial No. 08/154,403

amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

\_\_\_\_\_  
(Number) (Country) (Day Month Year Filed)

☐ ☐  
Yes No

\_\_\_\_\_  
(Number) (Country) (Day Month Year Filed)

☐ ☐  
Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

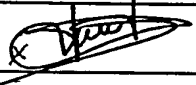
Robert G. STERNE, Esq., Reg. No. 28,912; Edward J. KESSLER, Esq., Reg. No. 25,688;  
Jorge A. GOLDSTEIN, Esq., Reg. No. 29,021; Samuel L. FOX, Esq., Reg. No. 30,353;  
David K. S. CORNWELL, Esq., Reg. No. 31,944; Robert W. ESMOND, Reg. No. 32,893;  
Tracy-Gene G. DURKIN, Esq., Reg. No. 32,831 and Michele A. CIMBALA, Esq., Reg. No. 33,851

Send Correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX  
1100 New York Avenue, Suite 600  
Washington, D.C. 20005-3934

Direct Telephone Calls to:

STERNE, KESSLER, GOLDSTEIN & FOX, (202) 371-2600

Full name of sole or first inventor	Jean MESENS		
Inventor's signature		<i>22th february 1994</i>	Date
Residence	X	Moereind 17, B-2275-Wechelderzande, Belgium	
Citizenship	X	B-2275-Wechelderzande, Belgium	
Post Office Address	X	same as residence	
Full name of second joint inventor, if any	Michael E. <del>RICKE</del> RICEY (See note below)		
Second Inventor's signature	X	<i>Michael E. Riskey</i>	X <i>3-2-94</i> Date
Residence		2938 Maureen Court, Loveland, OH 45140	
Citizenship	X	USA	
Post Office Address		same as residence	

\* Please note correction to spelling of last name

Full name of third inventor, if any	Thomas J. ATKINS	
Third Inventor's signature	x <i>Thomas J. Atkins</i>	x <i>3/2/94</i> Date
Residence	11708 Vauk Valley Lane, Cincinnati, OH 45249	
Citizenship	x <i>USA</i>	
Post Office Address	same as residence	

(Supply similar information and signature for subsequent joint inventors, if any).

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